

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KATHLEEN WU, DMD	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	NO. 14-cv-03902
JULIE ROBIN AROUH, DMD, PC, et al	:	
Defendants.	:	

FILED

JUL 29 2015

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

ORDER

Before me are the parties' cross-motions for summary judgment. (Doc. Nos. 30 and 35). Defendants have moved for summary judgment as to Plaintiff's claims of fraudulent misrepresentation and defamation, and as to their own crossclaim for breach of contract relating to health insurance premiums. Plaintiff has moved for summary judgment as to all of Defendants' crossclaims. After careful consideration of all relevant pleadings, and after hearing oral argument from the parties, and for the reasons stated on the record and supplemented in my Memorandum of Law filed with this Order, this 27th day of July, 2015, it is **ORDERED** that:

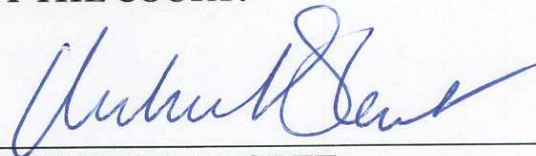
1. Defendants' motion for summary judgment is **GRANTED** with regard to Plaintiff's claim of fraudulent misrepresentation, and unnumbered Count III of the First Amended Complaint (Doc. No. 12) is **DISMISSED**. There is no dispute as to any material fact. Plaintiff has not come forward with admissible evidence capable of supporting her claim.
2. Defendants' motion for summary judgment is **GRANTED** with regard to Plaintiff's claim of defamation, and unnumbered Count IV of the First Amended Complaint (Doc. No. 12) is **DISMISSED**. There is no dispute as to

any material fact. Plaintiff has failed to come forward with admissible evidence capable of supporting her claim.

3. Defendants' motion for summary judgment with regard to their own counterclaim for breach of contract regarding insurance premiums is **DENIED**. Defendants have failed to support the motion with admissible evidence. Specifically, the documents attached to the Defendants' motion were neither authenticated nor supported by an affidavit establishing a hearsay exception.
4. Plaintiff's cross-motion for summary judgment is **DENIED** in its entirety. Plaintiff has failed to identify "those portions of 'the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any,' which it believes demonstrate the absence of a genuine issue of material fact." *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). Additionally, Plaintiff's motion was untimely filed.

A memorandum of law accompanies this Order detailing the basis for my rulings.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Richard A. Lloret', is written over a horizontal line.

RICHARD A. LLORET
UNITED STATES MAGISTRATE JUDGE